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OSMM&N File No. 211255US2SDIV

Serial No. 09/911,462

In the matter of the Application of: Hideo ANDO, et al.

For: RECORDING, EDIT, AND PLAYBACK METHODS OF AUDIO
INFORMATION, AND INFORMATION STORAGE MEDIUM

Dept.: IP-I

By: MJS/mka

Due Date: 11/16/2004

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
 - Information Disclosure Statement
 - Cited References (1)
 - JAPANESE Office Action (with English translation)
- PTO-1449



COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hideo ANDO, et al.

SERIAL NO: 09/911,462

GAU: 2161

FILED: July 25, 2001

EXAMINER:

FOR: RECORDING, EDIT, AND PLAYBACK METHODS OF AUDIO INFORMATION, AND INFORMATION STORAGE MEDIUM

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the attached Japanese Office Action listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.

- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.

- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 211255US2SDIV		SERIAL NO. 09/911,462	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Hideo ANDO, et al.			
				FILING DATE July 25, 2001		GROUP 2161	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	3569191	06/25/2004	JAPAN			X
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ						<input type="checkbox"/> Additional References sheet(s) attached
Examiner					Date Considered		
<small>*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							

COPY

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(Translation)

Mailed: October 5, 2004

FINAL NOTICE OF REJECTION

Patent Application No.: Japanese Patent Application No. 2001-275470

Examiner's Notice Date: September 29, 2004

Examiner: Satoshi SAITO 4232 5Q00

Attorney for Patent Applicant: Takehiko SUZUYE (other 6 attorneys)

Applied Sections: Section 36

<<<< FINAL >>>>

This application is rejected on the grounds stated below. Any opinion about the rejection must be filed within 60 DAYS of the mailing date hereof.

REASON

The application fails to satisfy the requirements under Section 36 (6)(ii) of the Patent Law, on the grounds that the claims are defective in the following respects.

REMARKS

The recitation "representative sound information which describes at least one representative sound in sound information" in claims 1 to 5 is unclear in meaning.

(From the recitation, it is unclear whether the entry point includes information on the representative sound itself or includes "pointer information" similarly first entry point information, and further describes control information on reproduction control of reproduction time of a representative sound and the like. Thus, the inventions claimed in claims 1 to 5 are deemed unclear from this current recitation thereof. In the meantime, as described in paragraph

[0366], if these claims are amended such that the information describes the reproduction time of the representative sound, claims 1 to 5 of the present application are substantially identical with claims 1 to 5 of Japanese Patent No. 3569191 issued to the same Applicant, and the rejection reason under Section 39 of the Patent Law would be thus raised. Accordingly, the Applicant is requested to amend these claims within the scope of the originally filed specification so that this application is different from the above-indicated patent, for example, by limiting features of these claims to other features.

If a new reason for rejection is noticed, a further Official Action will be issued.

Reason for issuing this Notice as Final Notice of Rejection

1. This Final Notice of Rejection indicates only a reason for rejection, which has occurred due to the amendment filed in response to the previous Official Action ("First (Non-Final) Official Action").

拒絶理由通知書

特許出願の番号 特願2001-275470
起案日 平成16年 9月29日
特許庁審査官 齋藤 哲 4232 5Q00
特許出願人代理人 鈴江 武彦(外 6名) 様
適用条文 第36条

<<<< 最 後 >>>>

16.12.-4

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第2号に規定する要件を満たしていない。

記

請求項1-5に記載された「音声情報の内の少なくとも1つの代表音声を記述する代表音声情報」という記載の意味が明確ではない。

(当該記載が、エントリポイントに代表音声自体の情報が含まれているのか、あるいは、第1のエントリポイント情報のように、「ポイント情報」が含まれているのか、さらに、代表音声の再生時間などの再生制御に関する制御情報が記載されているのか明確ではなく、現在の記載では請求項に記載された発明が明確とは認められない。なお、段落【0366】に記載されているように、代表音声の再生時間とすることは、同一出願人による特許第3569191号の請求項1-5に係る発明とそれぞれ実質的に同一のクレームとなり、特許法第39条の拒絶理由が発生するので、当初明細書の開示範囲において、当該特許と同一とならないように、他の構成要素に限定する等さらなる補正を検討のこと。)

拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

最後の拒絶理由通知とする理由

1. 最後の拒絶理由通知に対する応答時の補正によって通知することが必要になった拒絶の理由のみを通知する拒絶理由通知である。